

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28959 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- NEORA District- Patna

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Nitish Kumar S/o Sri Nivash Prasad @ Shri Nivash Prasad @ Sri Niwas R/o
Village- Dhobia Kalanpur, Reganiyabag, PS- Naubatpur, District- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Neora P.S. Case No. 94 of 2024, instituted for the offences punishable under Section 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that, when the deceased was returning home, he got a call from another number for some work. When the deceased reached there, co-accused Upendra Rai caught the deceased and co-accused Tunnu fired upon him due to which he died. It is further alleged that the petitioner along with other co-accused persons were involved in the incident.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that no specific allegation has been attributed against the petitioner. Name of the petitioner has transpired in this case only on the basis of suspicion. It is further submitted that specific allegation of firing has been made upon co-accused, namely, Tunnu. The petitioner is in custody since 07.06.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Neora P.S. Case No. 94 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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